

The Pacific Commercial Advertiser

U. S. WEATHER BUREAU, July 3.—Last 24 Hours' Rainfall, .00.
Temperature, Max. 80; Min. 72. Weather, fair.



ESTABLISHED JULY 2, 1856.

SUGAR.—96 Degree Test Centrifugals, 4.39c. Per Ton, \$87.80.
88 Analysis Beets, 11s. 6d. Per Ton, \$88.60.

VOL. XLVIII., NO. 8082.

HONOLULU, HAWAII TERRITORY, SATURDAY, JULY 4, 1908.

PRICE FIVE CENTS.

PRINCE DAVID KAWANANAKOA'S WILL IS FILED

**Bequeaths Practically His Entire Estate to His
Wife During Her Life With Remainder
to the Children.**

The will of the late Prince David Kawanakoa was filed for probate in the Circuit Court yesterday afternoon. The petition for probate is made by John F. Colburn, who is named in the will as executor of the will and trustee of the estate. The petition sets forth that the estate consists of an equitable interest in real estate of the value of about \$5000 and of personal property consisting principally of stocks in corporations and other securities and personal and household belongings, and ornaments valued at about \$100,000.

The will was executed February 8, 1908, the same day and immediately following the adoption of his little daughter Kapiolani by her grandmother Mrs. Campbell-Parker.

The will begins by a statement that it is the last will and testament of the testator and revokes all other wills at any time previously made. It recites that he is married and has three children giving the names and ages of them, Abigail Kapiolani, aged five years; David Kalakaua, aged three and a half years, and Helen Liliuokalani, aged two and a half years.

The adoption of his daughter Kapiolani by her grandmother is then recited, and it is stated that as under the laws of Hawaii she will inherit from her grandmother as though she were her grandmother's own child, and as she is certain of generous nurture, and ample provision from her grandmother, no provision is made for her in the will.

The testator then gives, devises, and bequeaths all his "feather leis, kahilis, ahualas, decorations and orders of distinction," to his son David Kalakaua and his heirs forever, though during the child's minority the care and custody of these is to be in the hands of the trustee of the estate.

The next paragraph disposes of the

entire remainder of the estate and is as follows:

"I give, devise and bequeath to John F. Colburn, of said Honolulu, my trusted friend and adviser, all and singular the rest, residue, and remainder of my estate, of whatsoever kind and character and wheresoever situated * * * in trust for and during the natural life of my said wife and at and upon her death I give, devise, and bequeath the remainder thereof and therein to my said children other than said Kapiolani and such and all other of my children as shall be in esse at the time of my decease, and to their respective heirs, administrators and assigns, in equal undivided parts and portions."

The will then provides that the widow, if she accepts this provision for her, accepts it in lieu of dower. But if she does not so accept it but takes her dower, then the trustee shall pay the net income of the estate in equal shares to the guardians of the children, respectively, during their minority, and after they attain their majority, to themselves direct.

The executor of the will and the trustee of the estate is given ample powers in regard to the estate, to collect, and sell, and reinvest, as a prudent trustee should, within the directions of the will. He is not to be required to give bonds larger than will amply cover the estimated gross annual income. If he shall at any time decline to act, or become incapacitated from acting, or be removed by the final order of court, his successor or successors are to be appointed by the nomination of a majority of the Justices of the Supreme Court of Hawaii. These successors are to have similar powers, but are to give whatever bond shall be required by the court.

The will is typewritten and bound with Royal Purple ribbon. Its execution is witnessed by Dr. F. Howard Humphris, C. W. Ashford and Morris K. Keohokalole.

charged, but with such surrounding extenuating circumstances as to cause us to strongly recommend him to the mercy of the court.

"FRANK GODFREY, Foreman."

The jury is said to have stood most of the time eight to four or nine to three in favor of conviction. Finally the minority yielded and all joined in a recommendation for leniency. The following are the names of the jurors:

Robert Bemrose, Thomas W. Carroll, John J. Egan, Frank Godfrey, Alfred R. Hatfield, Charles J. Ludwigen, J. M. McChesney, David F. Nottley, Jacob Ordenstein, Charles P. Osborne, John Padaken Jr., John J. Sullivan.

TO THE IRRIGATION CONGRESS.

Governor Frear yesterday appointed W. W. Goodale to represent the Territory of Hawaii at the Sixteenth Annual Irrigation Congress which meets at Albuquerque, New Mexico, from August 29 to September 3.



THE LATE ADMIRAL C. M. THOMAS.

CAPITOL LIGHTS BLAZE TONIGHT

**The Illumination Effect Will Be
Tested This Evening
at 7.30.**

The illumination of the Capitol, as a test of the planned illumination in honor of the fleet, will be made tonight, arrangements for turning on the juice in the seven hundred incandescents at half past seven having been completed. This was announced yesterday at the fleet committee meeting, at which several things of importance were discussed.

Colonel Jones, for the decoration committee, reported that his committee had its work well in hand. The main wiring for the streets is done and the flags are all on ropes, tagged and numbered and ready to put up on the streets and the public buildings. The set pieces are ready and everything in the decorative line as planned can be put up in a day or a day and a half. The work would commence on the 8th. He asked for \$100 more for flags, material and labor, which would complete everything. This was voted.

There was a long discussion, in which Chairman Carter and A. L. C. Atkinson led and everybody else joined, as to the sports appropriation. Atkinson asked for \$600 more to complete the arrangements in the fishmarket, the building of the ring for boxing, the wrestling platforms and the tug-of-war platform. The majority of the members seemed to think that the appropriation of \$3250 already made ought to cover all sports. After a half hour of explanations that tangled things worse than

ever, the matter was put over for more light.

STREET CAR RIDES.

Colonel Jones reported a conversation with Captain Rees, in which it was stated that the sailors might not like the half fare arrangement on the street cars, regarding it possibly as a sort of charity. He moved that the committee offer to pay the Rapid Transit Company for twenty thousand trips for the men at half fare if the company would make all other trips free.

After discussion this was referred to the transportation committee, the fear being expressed that this was only reopening a vexed question, however.

Marston Campbell and Geo. Smithies were added by vote to the entertainment committee and A. E. Murphy to the decoration committee.

COMMITTEE AT LARGE.

At a meeting of the committee at large, held in the rooms of the Chan-

(Continued on Page Four.)

BEAR TRAPS FOR ALLIGATOR PEAR THIEVES

Alligator pear thieves are preparing a lively time for themselves if they continue their depredations on the pet trees of some of the leading citizens. General Soper, of Lunaillo street, is preparing to set a number of bear traps around his avocados and will post notices to the effect that whoever monkeys around the trees does it at his own risk. Other pear growers threaten to take drastic steps to keep their salad fruit in the family.

Judge Dole has been the victim of pear thieves pretty regularly this season and yesterday there were arrests of two persons, supposed to be the guilty ones. David Leleo, a neighbor, has been selling some fine pears lately, of a species not borne by his own trees and looking suspiciously like those grown on the selected trees of the Federal Judge. He is one of the two arrested. Cheong San, a Chinese peddler, is the other, although he is not booked for larceny but for investigation.

Yesterday morning at a very early hour, Cheong San was noticed coming out of Pauoa valley, where Judge Dole's pears grow, with three sacks of something heavy. He was followed to his home and later was arrested by Officer Apapa just as he was sorting out ripe pears from green ones. Judge Dole's Chinese gardener, whose special hobby the pear trees have been, has identified the pears as those belonging to his master, going so far in his identification as to say just what particular tree each particular pear was picked from.

There are other pear thieves in the city, complaint having come in from many parts of the town of trees being stripped during the nights. The police are after several suspects and more arrests will probably be made very shortly.

MIGHT BE HITCH BETWEEN BRYAN AND PLATFORM

**Peerless One Says He Will Not Run Unless
Party Adopts the Publicity Principle
for Campaign Contributions.**

(Associated Press Cablegrams.)

LINCOLN, Neb., July 4.—At a banquet last evening, William J. Bryan said that unless a plank pledging the party to publicity in campaign contributions were put in the platform he would refuse to be a candidate.

Herman Ridder interviewed Bryan and advised him not to run, but assured him of his support if he did.

[Herman Ridder is a prominent independent Democrat and reform leader among German Americans. He is treasurer of the New York Publishers' Association and president of the Staats Zeitung, the leading organ of the German Democracy.]

DENVER, July 4.—A row is expected in the convention between the Bryan and Parker forces over a eulogy upon the late ex-President Cleveland.

LINCOLN, Neb., July 3.—The Commoner, W. J. Bryan's paper, praises Hearst and the Independence League.

REAR ADMIRAL THOMAS, U. S. N., DIES OF APOPLEXY

DEL MONTE, Cal., July 4.—Admiral Thomas, who succeeded Admiral Evans in command of the Atlantic fleet, has died of apoplexy.

JAPANESE CABINET CHANGES

TOKIO, July 4.—The Cabinet has resigned. The Emperor will summon Katsura to form a new one. Komura will probably become Minister of Foreign Affairs.

THE RUSSIAN DEATH LIST GROWING LARGER

YSZNOVA, July 3.—The mine here is afire and over two hundred men are imprisoned. One hundred and sixty bodies of the dead have been recovered.

YSZNOVA, July 4.—Two hundred and fourteen bodies have been removed and 150 are yet imprisoned in the burning mine.

LEAD FLYING AT TABRIZ

TABRIZ, July 4.—Fighting has been resumed.

HOSPITAL SHIP RELIEF SAILS FOR HONOLULU

(Merchant Marine Cable Service.)

SAN FRANCISCO, July 4.—The hospital ship Relief sailed from this port yesterday for Honolulu, to await the arrival of the Atlantic fleet there.

EXPLOSION OF FIREWORKS.

CLEVELAND, July 3.—An explosion occurring this morning in a fireworks store in this city resulted in the death of six persons and the injury of a score or more.

BETTING ON FIGHT.

SAN FRANCISCO, July 3.—Betting is two to one on Gans for the fight with Nelson. It is even that the fight will not last twenty rounds.

OHIO AND THETIS ICEBOUND.

SEATTLE, July 3.—S. S. Ohio is icebound in the Bering Sea, with two holes in her plates. The S. S. Thetis is also fast.

SAILORS JOIN FLEET.

SAN FRANCISCO, July 3.—The U. S. S. Buffalo has arrived with sailors from the East to join the Atlantic fleet at this port.

HONGKONG MARU.

After lying aground on the China coast for nearly a week, the Toyo Kisen Kaisha liner Hongkong Maru was floated on June 17th. The Hongkong Maru will go to Yokohama or Kobe for extensive repairs and alterations, and will be converted into an oil burner, preparatory to engaging in the trade between Japan and the west coast of South America.

BOTH FROM LEITH.

The British bark Edinburgh, sailed from Leith for this port on the first of the month. The French bark Rochembeau from the same port had eleven days the start of her. Both are bound for this city. The French bark is of 2300 tons and the Britisher nine hundred tons smaller.

MARKS GUILTY, MERCY ASKED

**Jury After Twenty-six Hours
Agrees, but Recommends
Leniency.**

After being out almost twenty-six hours, the jury in the John Marks case brought in a verdict about 5 o'clock yesterday finding the defendant guilty but strongly recommending him to the mercy of the court.

Marks was indicted for stealing cattle from the Dowsett ranch. Originally Marks turned state's evidence, and on his evidence William Holt was indicted. But on the trial Holt was acquitted, Marks testifying in his behalf. Because of the discrepancy between his testimony before the grand jury and on the trial, Marks was indicted for perjury as well as for cattle stealing. The perjury trial led to an appeal to the United States court by way of habeas corpus and other proceedings.

The cattle stealing trial began Monday. It went to the jury just before 3 o'clock Thursday afternoon. The jury were out all night, spending the night at the Young Hotel. At nine o'clock yesterday morning Judge Robinson called the jury in and asked them if there was any prospect of agreeing. The foreman replied that he thought there was and they were sent out to try. At five o'clock they brought in the following verdict:

"We, the jury in the above-entitled cause, find the defendant guilty as

Program for Today

This morning the National Guard troops will parade, the band being one of the important features of this part of the program. The line of march will be from the Armory to Beretania avenue, to Nuuanu avenue, to King, to Fort, to Beretania, to Armory. The procession will start at half-past eight.

The exercises under the auspices of the Hawaiian Society of the Sons of the American Revolution will be held on the Capitol grounds at 10 o'clock this morning, immediately following the parade of the military. The program follows:

Invocation.....Rev. E. T. Simpson
Music.....Hawaiian Band
Reading Declaration of Independence.....Miss Alice Spalding
Music.....
Essay on American Flag.....Master Aki of Royal School
Music.....
Patriotic Address.....Hon. P. C. Jones
Music.....